Lenard E. Schwartzer, Esq. (NV Bar No. 0399) 1 SCHWARTZER & MCPHERSON LAW FIRM 2 2850 South Jones Boulevard, Suite 1 Las Vegas, Nevada 89146 3 Telephone: (702) 228-7590 Facsimile: (702) 892-0122 4 Email: bkfilings@s-mlaw.com 5 Proposed Attorneys for Debtor, Xtreme Green Products, Inc. 6 UNITED STATES BANKRUPTCY COURT 7 FOR THE DISTRICT OF NEVADA 8 BK-S-13-17266-MKN In re: 9 Xtreme Green Products, Inc., Chapter 11 10 Debtor. DECLARATION OF NEIL ROTH IN SUPPORT 11 OF EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR (1) MOTION 12 FOR INTERIM ORDER AND FINAL ORDER 13 **AUTHORIZING POST-PETITION** FINANCING AS A PRIORITY 14 ADMINISTRATIVE EXPENSE AND A SECURED LOAN PURSUANT TO 11 U.S.C. § 15 364(c); AND (2) MOTION FOR ORDER AUTHORIZING THE PAYMENT OF 16 PREPETITION CLAIMS OF CRITICAL 17 **VENDORS** 18 Hearing Date: OST REQUESTED Hearing Time: OST REQUESTED 19 20 Neil Roth, president of Xtreme Green Products, Inc. (the "Debtor" and "Debtor In 21 Possession"), under penalties of perjury, hereby declares: 22 1. A Motion For Interim And Final Order Authorizing Post-petition Financing As A 23 Priority Administrative Expense And A Secured Loan Pursuant To 11. U.S.C. § 364(c) (the "DIP 24 Financing Motion") has been filed. In this DIP Financing Motion, the Debtor requests an order 25 approving and permitting immediate disbursement of the interim financing in the amount of 26 \$650,000, and the setting of a final hearing for this Court to approve the total DIP Loan up to

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\$2,000,000.

- 2. A Motion For Order Authorizing The Payment Of Prepetition Claims Of Critical Vendors ("Critical Vendors Motion") has been filed. In this Critical Vendors Motion, the Debtor requests entry of an order authorizing the Debtor to pay the pre-petition claims of vendors that are critical to the daily operation of the business.
- 3. Debtor is in the business of developing, manufacturing and selling a line of electric powered products such as personal mobility vehicles, light trucks (UTVs) and (ATVs), motor cycles and scooters. The Debtor's product line is based on its proprietary "green" energy management system and electric propulsion system. These products have the power and ability of gas powered engines, but without the particulate pollution or noise pollution.
 - 4. Pre-petition, the Debtor ceased operations.
- 5. Debtor has orders for its personal mobility vehicles which can only be fulfilled if the Debtor is allowed to borrow funds for operating expenses and pay certain critical vendors.
- 6. The restarting of production, the timely fulfillment of the existing orders and the payment of fees for certain upcoming exhibitions is critical to the Debtor's plan to reorganize its operations.
- 7. This became an emergency because only in the last few days has the debtor been able to obtain financing for the restarting of production and reorganization.
 - 8. Notice can be shortened pursuant to Bankruptcy Rule 9006(c)(1) and LR 9006(a).
- 9. Debtor requests that the two Motions be heard on shortened time to prevent the disruption of the Debtor's daily operation of its business.

Dated this ZZday of August, 2013.

Neil Roth

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